IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 3716 OF 2005

in

APPEAL (LODGING) NO.1270 OF 2005

AND

APPEAL NO. 1270 OF of 2005

IN

NOTICE OF MOTION NO. 2890 OF 2002

IN

SUIT NO. 60 OF 2002

IN

PETITION NO. 438 OF 2002

Mrs. Lalita Bhogilal Shah ... Appellant

Versus

Mr. Bipin Bhogilal Shah & Ors. ... Respondents

Mr. B.B.Saraf i/b Y.N.Adhia for the appellant.

Respondent No.1 present.

CORAM: D.K.DESHMUKH &

J.H.BHATIA,JJ.

DATE : 13th August, 2007.

P.C.

1. Though there is delay in filing the appeal, we heard learned Counsel for the appellant. He submitted that it was not necessary for the learned Single Judge to make observations which are found in para 6 of the impugned order. He apprehends that those observations will come in his way at the final hearing of the suit. In our opinion, the apprehension is not well-founded. Whatever observations have been made by the learned Single Judge in the order have been made for the purpose of disposing of the Notice of Motion and, therefore,they are relevant only for that purpose.

2. In view of this clarification, on a motion made by the learned Counsel for the appellant, the Motion and the Appeal are permitted to be withdrawn.

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(D.K.DESHMUKH,J.)

(J.H.BHATIA,J.)